

IN RE: PETITION FOR ZONING VARIANCE  
SE/8 Perry Road, 535' E of  
the c/l of Fitch Avenue  
(7809 Perry Road)  
14th Election District  
6th Councilmanic District  
Patrick J. Ewing, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 88-513-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet for a proposed porch addition, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 5.5, is currently improved with a brick and frame single family dwelling. The Petitioners propose constructing a porch addition to the rear of the existing dwelling. Due to the location of the house on the property, the Petitioners need the requested variance to the rear yard setback requirements. Mr. Ewing testified that he advised all adjoining neighbors of his who indicated they have no objection.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with

the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1988, that the Petition for Zoning Variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bje

ORDER RECEIVED FOR FILING  
Date 6/28/88  
By [Signature]

MICROFILMED

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-513-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. To allow a rear yard setback of 25 feet in lieu of the required 30 feet.

WE NEED THIS VARIANCE TO BUILD PORCH AND LAND NOT SUFFICIENT TO MEET SET BACK.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Mr. Patrick J. Ewing

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Mr. Patrick J. Ewing

Name

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of APRIL 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of JUNE 1988, at 10 o'clock A.M.

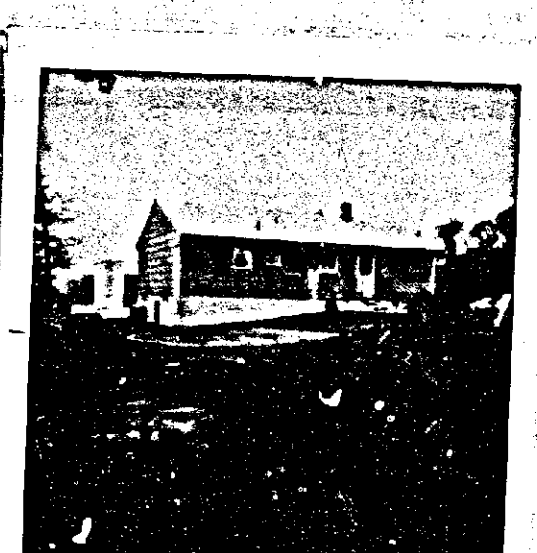
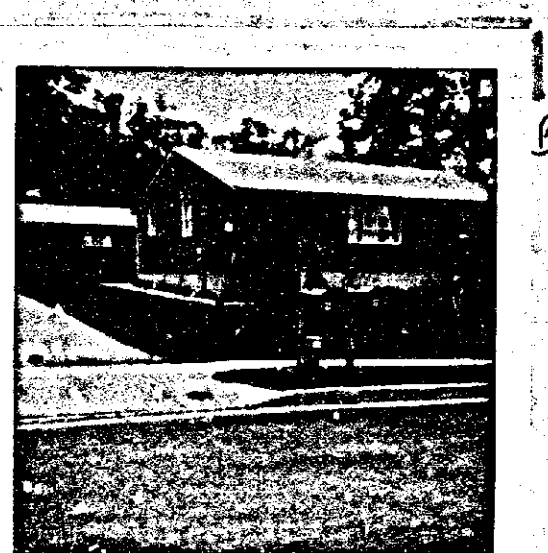
ORDER RECEIVED FOR FILING

Date 6/28/88  
By [Signature]

(over)

MICROFILMED

PETITIONER(S) EXHIBIT (2)



MICROFILMED

Located on the southeast side of Perry Road being known as Lot No. 16 as shown on the plat entitled "Final Plat, Perry Place" which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. No. 39, folio 72. The improvements being known as No. 7809 Perry Road.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1424  
Posted for: Variance  
Petitioner: Patrick J. Ewing et ux  
Location of property: 535' E of Fitch Ave., 7809 Perry Rd.  
Location of Sign: 7809 Perry Rd., 12' E of 7809 Perry Rd.  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 6/18/88  
Date of return: 6/14/88

MICROFILMED

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 8, 1988.

TOWSON TIMES,

S. Zetser Olson  
Publisher

MICROFILMED

FILE NO. 19579

LIBRARY 5816 PAGE 50

THIS DEED, Made this 18th day of October

in the year one thousand nine hundred and Seventy-seven by

WOMES CONSTRUCTION COMPANY, A body corporate

of Baltimore County, in the State of Maryland, parties of the first part, and

PATRICK J. EWING and LINDA R. EWING, his wife

of Baltimore County, in the State of Maryland, parties of the second part.

Witnesseth, That in consideration of the sum of five dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part do hereby grant and convey unto the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them, his or her heirs and assigns in fee-simple, all that lot of ground situate, lying and being in Baltimore County and described as follows, that is to say: BEGINNING AND BEING KNOWN AND DESIGNATED as Lot No. 16 as shown on the Plat entitled "Final Plat, Perry Place," which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. No. 39, folio 72. The improvements thereon being known as No. 7809 Perry Road.

Subject to a right of way agreement to Baltimore Gas and Electric Company as set forth in Liber E.H.K. Jr. No. 5590, folio 940.

Subject to building setback line and restrictions set forth in above referred to Plat.

BEING one of the lots of ground which by Deed dated July 25, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5784, folio 390 was granted and conveyed by Glock, Inc. unto the within named Grantor.

MICROFILMED

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: JUN 27 1988

Mr. & Mrs. Patrick J. Ewing  
7809 Perry Road  
Baltimore, Maryland 21236

Re: Petition for Zoning Variance  
CASE NUMBER: 88-513-A  
SE/8 Perry Road, 535' of c/l of Fitch Avenue  
(7809 Perry Road)  
14th Election District - 6th Councilmanic  
Petitioner(s): Mr. Patrick J. Ewing, et ux  
HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Ewing:

Please be advised that \$92.36 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52723

DATE 6/28/88 ACCOUNT R-01-415-000

AMOUNT \$ 92.36

RECEIVED BY Patrick J. Ewing

FOR [Signature] 6/28/88

0013\*\*\*\*\*9236\*\*\*\*\*88-513-A

MICROFILMED

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

April 29, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 88-513-A  
SE/8 Perry Road, 535' of c/l of Fitch Avenue  
(7809 Perry Road)  
14th Election District - 6th Councilmanic  
Petitioner(s): Mr. Patrick J. Ewing, et ux  
HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 10:00 a.m.

Variance to allow a rear yard setback of 25 feet in lieu of the required 30 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Patrick J. Ewing, et ux

File

MICROFILMED



# **CERTIFICATE OF PUBLICATION**

TOWSON, MD. June 9, 1988  
 THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9, 1988

OWINGS MILLS TIMES,

*S. Zebek*  
 Publisher

\$ 30.38

88-513-A

## **BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 20th day of April, 1988.

*J. Robert Haines*  
 J. ROBERT HAINES  
 ZONING COMMISSIONER

Petitioner Patrick J. Ewing, et ux  
 Petitioner's Attorney  
 Received by: *James E. Dyer*  
 Chairman, Zoning Plans Advisory Committee

## **BALTIMORE COUNTY, MARYLAND**

INTER-OFFICE CORRESPONDENCE RECEIVED ZONING OFFICE  
 DATE: 3/14/88

TO: *J. Robert Haines*  
 Zoning Commissioner  
 FROM: *F. David Fields*  
 Director  
 Office of Planning and Zoning  
 SUBJECT: Zoning Petitions 88-502-A, 88-510-A, 88-511-A, 88-512-A, (88-513-A), 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

There are no comprehensive planning factors requiring comment on the subject petitions.

*P. David Fields*  
 F. David Fields, Director  
 Office of Planning and Zoning

PDF/jat  
 cc: Shirley Hesse, People's Counsel  
 J. G. Howell  
 Zoning Office

cc: Mr. & Mrs. Patrick J. Ewing  
 5/17/88

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

June 6, 1988

Mr. & Mrs. Patrick J. Ewing  
 7809 Perry Road  
 Baltimore, Maryland 21236

RE: Item No. 371 - Case No. 88-513-A  
 Petitioner: Patrick J. Ewing, et ux  
 Petition for Zoning Variance

Dear Mr. & Mrs. Ewing:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
 JAMES E. DYER  
 Chairman  
 Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
 Department of Public Works  
 Bureau of Traffic Engineering  
 Courts Building, Suite 406  
 Towson, Maryland 21204  
 494-3554

May 19, 1988

Mr. J. Robert Haines  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 369, 370 and 371

Very truly yours,

*Stephen E. Weber*  
 Stephen E. Weber, P.E.  
 Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED  
 MAY 23 1988  
 ZONING OFFICE

Baltimore County  
 Fire Department  
 Towson, Maryland 21204-2586  
 494-4500

Paul H. Reincke  
 Chief  
 J. Robert Haines  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, MD 21204

April 26, 1988

Re: Property Owner: Patrick J. Ewing, et ux  
 Location: SE/S Perry Rd., 535' c/l Fitch Avenue  
 Item No.: 371 Zoning Agenda: Meeting of 4/19/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. Hill* Noted and Approved: *John F. Hill*  
 Special Inspection Division

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 494-3333

J. Robert Haines  
 Zoning Commissioner

June 30, 1988

Mr. & Mrs. Patrick J. Ewing  
 7809 Perry Road  
 Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
 SE/S Perry Road, 535' E of the c/l of Fitch Avenue  
 14th Election District; 6th Councilmanic District  
 Case No. 88-513-A

Dear Mr. & Mrs. Ewing:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

*Ann M. Nastarowicz*  
 ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

AMN:bjs  
 Enclosure  
 cc: People's Counsel

File